

Amendments to the Drawings:

The drawing sheet attached in connection with the above-identified application containing Figure 1 is being presented as a new formal drawing sheet to be substituted for the previously submitted drawing sheet. Figure 1 has been amended to include the legend "Prior Art."

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. With entry of this amendment, claims 1-2 and 5-9 are pending, claims 1 and 6-9 are amended, and 3-4 and 10-16 are canceled.

Priority

The Examiner has acknowledged receipt of Japanese application no. 11/209817, which is the sole foreign priority document. In the Office Action Summary of the Office dated September 21, 2004, the Examiner acknowledged that only "some" of the certified priority documents have been received in this National Stage application from the International Bureau. Since the sole certified foreign priority document has been received, applicants request acknowledgement of "all" of the priority documents in the next communication from the Examiner.

Drawings

The objection to Figure 1 has been overcome with the attached new formal drawing of Figure 1.

Specification

The hyperlinks have been removed from the specification, thereby rendering this objection moot.

Claims Objections

The claims have been amended to overcome the outstanding objections.

Rejections Under 35 USC 112, Second Paragraph (Indefiniteness)

Claims 10 and 13-15 have been cancelled, thereby rendering the related rejection for indefiniteness moot. The remaining claims have been amended to overcome the rejections for indefiniteness.

Rejections Under 35 USC 101, Utility

The pending claims are rejected under 35 USC 101, as lacking either a specific, substantial or credible utility. In response to this rejection, applicants note the specification indicates that PSEC0043 is a clone derived from NT-2 cells cultured in the presence of retinoic acid (page 17, lines 18-19 and page 19, line 4). The NT-2 cell is a neuron progenitor cell that can differentiate into neurons by treatment with retinoic acid (page 17, lines 13-14). Considering these characteristics, the clone can be used as a marker for identifying cells that differentiate into neurons by retinoic acid. Such a marker is useful for the evaluation of neuron regeneration. Applicants urge these characteristics of clone PSEC0043 constitute real world utility, which is specific, substantial and credible.

Rejections Under 35 USC 112, First Paragraph (Enablement, Written Description)

The claims have been amended to overcome the outstanding rejections for lack of enablement and written description. The claims now recite SEQ ID NO: 3 and SEQ ID NO: 4, which the Examiner has indicated comply with the requirements for enablement and written description.

Rejections Under 35 USC 102

The Examiner has rejected claims 1-3, 5-10, 13 and 15 under 35 USC 102(e) as being anticipated by Drmanac *et al.* According to the Examiner, "Drmanac *et al.* teach a nucleic acid sequence (SEQ ID NO: 1667) that shows 92 % identity to SEQ ID NO: 3 with 100 % identity from position 994-1428 of SEQ ID NO: 3." Applicants have reviewed the alignment provided by the Examiner and found out that the whole span of SEQ ID NO: 1667 of Drmanac *et al.* is not identical to the whole of SEQ ID NO: 3 and therefore urge that Drmanac does not anticipate the amended claims.

Rejections Under 35 USC 103

The Examiner has rejected claim 14 under 35 USC 103(a) as being unpatentable over Drmanac *et al.* and further in view of Maruyama *et al.* Claim 14 has been canceled, rendering this rejection moot.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By



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